

REMARKS

Remark 1:

Applicant traverses the withdrawal of Claims 2, 5, 6 and 10 in the pending claims. Applicant clearly and plainly elected the claims of Group I, i.e., Claims 1-10. Examiner will kindly note that Claim 2-7 are dependent on Claim 1 and Claims 9-10 are dependent on Claim 8. Examiner will further note that amendments to claims render the rejection based on distinction between “generic” claims inapplicable.

Remark 2:

Applicant has amended Claim 1 to more distinctly and definitely claim patentable subject matter of the present invention.

Remark 3:

Applicant respectfully disagrees that “AgrEvo discloses the instant emanator . . . showing bubble-jet forms”. To the contrary, the AgrEvo reference is exclusively related to resistive heating-element evaporators in which liquid insecticidal fluid travels through a “wick” and is heated to evaporate the fluid. Not a single reference is made to bubble-jet type emanators in which a bubble jets through a capillary tube, thus resulting in small droplets of liquid being propelled into the atmosphere. Given the fact that the AgrEvo reference is silent with regard to the use of bubble-jet type emanators, it would not be obvious to one skilled in the art to replace the standard wick-type, resistive-heating evaporative emanator with the bubble-jet type emanator of the present invention.

Remark 4:

Applicant respectfully disagrees that “Van der Heyden does show an insecticidal . . . bubble jet emanator . . . and provides for gas (air) entry into the fluid reservoir . . .” Again, not a single reference is made to bubble-jet type emanators. Evaporation is the only mechanism recited for releasing of vapor

agents - the reference doesn't even include the use of resistive heating elements! Furthermore, the "means for admitting air to the inside of fluid reservoir" is an unsealed container. There is no teaching that gas of any type can be dissolved into the insecticidal liquid, either prior to or subsequent to formation of vapor. Given the foregoing, it would not be obvious to one skilled in the art to replace the standard wick-type evaporative emanator with a bubble-jet type emanator of the present invention.

Remark 5:

Applicant agrees, with regard to Deven, that "the device is not described as a bubble jet." While the prior art teaches the use of a piezo-electric atomizer for aerosolizing particles, the reference is completely silent with regard to bubble jet atomization. It is evident that heretofore, the bubble-jet type emanator has never been used in the distribution of droplets of insecticidal liquid.

Remark 6: (NO NEW MATTER)

Applicant submits that the amendments presented herein present no new matter. All of the compositions claimed herein are taught in the Drawings, Specification, Claims and Abstract and other portions of the Application as originally filed.

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CONCLUSION

Applicant respectfully submits that for all the foregoing reasons, the claimed subject matter describes patentable invention. Furthermore, Applicant submits that the specification is adequate and that the claims are in a condition for allowance. No new matter has been entered.

Applicant hereby respectfully requests Examiner to enter these amendments, find them descriptive of useful, novel and non-obvious subject matter, and authorize the issuance of a utility patent for the truly meritorious, deserving invention disclosed and claimed herein.

Without further, Applicant does not intend to waive any claims, arguments or defenses that they may have in response to any official or informal communication, paper, office action, or otherwise, and they expressly reserve the right to assert any traverse, additional grounds establishing specificity and clarity, enablement, novelty, uniqueness, non-obviousness, or other patentability, etc.

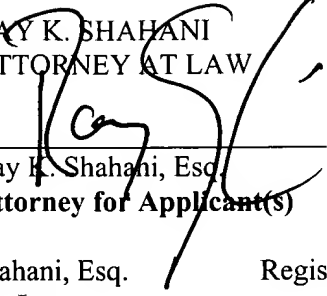
Further, nothing herein shall be construed as establishing indirectly the basis for any prosecution history, file wrapper estoppel, or similar in order to limit or bar any claim of infringement of the invention described herein, either directly or under applicable doctrine of equivalents.

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Respectfully submitted,

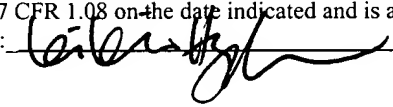
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CERTIFICATE OF MAILING

I hereby certify that this paper and the documents attached hereto are being deposited in a postage prepaid, sealed envelope with the United States Postal Service using First Class Mail service under 37 CFR 1.08 on the date indicated and is addressed to "Commissioner for Patents, Alexandria, Virginia 22313-1450". Signed: 
Date Mailed: August 31, 2005